



THE CITY OF NEW YORK
LAW DEPARTMENT
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November 8, 2010

By Fax (212) 805-7901

Honorable Harold Baer, Jr.
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: James Odom v. The City of New York, et al.
1:10-cv-07784-HB

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing the defendant The City of New York in this action. I am writing with plaintiff's counsel's consent to respectfully request a sixty-day enlargement of the City's time to answer or otherwise respond to the complaint from November 18, 2010 to January 18, 2011, and to respectfully request that the initial conference, currently scheduled for December 18, 2010 at 4:30 P.M., be adjourned to a date convenient to the Court after January 18, 2011.

Briefly stated, the complaint in this 42 U.S.C. § 1983 civil rights action, alleges that on December 12, 2009, plaintiff James Odom was falsely arrested inside of the 125th Street subway station for the 1-2-3 lines, was subjected to unreasonable force, and then was not given timely medical care. Plaintiff alleges federal and state law claims for false arrest, malicious prosecution (and abuse of process), excessive force (and assault and battery), deliberate indifference to medical needs, failure to intervene, and several other state law claims.

In order to investigate the allegations in the complaint and meaningfully respond thereto, the City must review the relevant documents and speak with its employees some of whom are not yet identified. The documents relevant to the defense of civil rights actions that the City must obtain are often, as may be in this case, protected from disclosure by state statutes. Currently, this office has received from plaintiff's counsel consents and authorizations for the release of records that may have been sealed pursuant to N. Y. Criminal Procedure Law §

11/12/60

Endorsement:

Try and get your dates straight. I can't tell if you don't like the 18th or the 16th, the correct date.

2. In any event you have to January 5, 2011 to answer or move.
3. The pre trial conference will be on January 6, 2011.
4. Any releases not received already to be furnished to you by November 23, 2010.
5. Same extensions as per your request are granted.